

By: Representative Shanks

To: Ports, Harbors and
Airports

HOUSE BILL NO. 754

1 AN ACT TO AMEND SECTION 59-5-37, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE DATE OF THE REPEALER ON THE PROVISION OF LAW WHICH
3 AUTHORIZES THE STATE PORT AUTHORITY AND OTHER PORTS AND PORT
4 COMMISSIONS TO USE THE DESIGN-BUILD METHOD OF CONTRACTING FOR
5 CERTAIN PROJECTS; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 59-5-37, Mississippi Code of 1972, is
8 amended as follows:

9 59-5-37. (1) The board or State Port Authority, in the
10 performance of its duties, may employ such personnel and make all
11 contracts and purchases incidental to or necessary for the
12 advancement, promotion, development, establishment, insurance,
13 maintenance, repair, improvement and operation of any ports,
14 harbors, rivers, channels and waterways including, if required for
15 its protection, retirement benefits, workers' compensation
16 insurance and other employee benefits for the benefit of any
17 employees of the board or State Port Authority. The board or
18 State Port Authority may establish a trade development and
19 promotion account to pay all direct and necessary expenses for the



20 promotion and development of the state port. The authority is
21 granted the power to sue and be sued in its own name.

22 (2) (a) The board or State Port Authority may, in its
23 discretion, make such contracts or purchases according to the
24 state purchasing laws. Contracts let for any port, harbor, river,
25 channel or waterway improvements shall be advertised as required
26 by law for the letting of public contracts, and such contracts
27 shall be awarded to the lowest and best bidder who shall make bond
28 as shall be required by the board or State Port Authority
29 conditioned for the faithful prosecution and completion of work
30 according to such contracts, such bond to be furnished by a
31 corporate surety company qualified to do business in this state.
32 However, the board may negotiate and enter into contracts with
33 responsible lessees for the construction of facilities by lessees,
34 such as those referred to in Section 59-5-11, and the acquisition
35 thereof by the board upon such terms and conditions and for such
36 amount as may be approved by the board.

37 (b) The State Port Authority shall be considered to be
38 a "governing authority" under the state public purchasing laws as
39 that term is defined in Section 31-7-1 and used in Sections 31-7-1
40 through 31-7-73, and shall not be subject to the jurisdiction of
41 the Department of Finance and Administration, the Public
42 Procurement Review Board or the Bureau of Building, Grounds and
43 Real Property Management under the provisions of Sections
44 27-104-7, 29-5-2 and 31-11-3.



45 (3) (a) The board or State Port Authority, in its
46 discretion, may use the design-build method of contracting for the
47 renovation, repair and/or making of other improvements to not more
48 than one (1) freezer and related equipment and/or facilities at
49 the State Port at Gulfport, Mississippi. Notwithstanding any
50 other provision of law to the contrary, any port or port
51 commission may use the design-build method of contracting for the
52 renovation, repair and/or making of other improvements to
53 equipment and/or facilities at the port. For the purposes of this
54 subsection (3), the term "design-build method of contracting"
55 means a contract that combines the design and construction phases
56 of a project into a single contract and the contractor is required
57 to satisfactorily perform, at a minimum, both the design and
58 construction of the project.

59 (b) This subsection (3) shall stand repealed from and
60 after July 1, * * * 2027.

61 **SECTION 2.** This act shall take effect and be in force from
62 and after July 1, 2024.

